IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 30697 of 2006(D)

PETITIONER:

DEVARAJAN, S/O.PERACHAN,
PERUMTHODI PURAYIL, FAROKE POST,
KOZHIKODE DISTRICT, PIN-673 631.

BY ADV. SMT.K.G.SAROJINI
SMT.N.C.SALINI

RESPONDENTS:

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1. ASSISTANT EXCISE COMMISSIONER
PALAKKAD.

2. EXCISE INSPECTOR, CHITTUR,
PALAKKAD DISTRICT.

3. SMT.VERONICA JOSEPH
W/O.LATE P.O. JOSEPH, PUTHAN PURAYIL HOUSE,
CHUVANNAMANNU P.O., THRISSUR DISTRICT.

BY ADV. SRI.G.HARIHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.30697 OF 2006

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1- A TRUE COPY OF the AGREEMENT DATED 29-3-2004 EXECUTED BETWEEN THE PETITOINER AND THE REGISTERED OWNER OF the VEHICLE NO.KL 8 J 3573.

EXT.P2- A TRUE COPY OF THE REGISTRATOIN CERTIFICATE RELATING TO VEHICLE NO.KL 8 J 3573.

EXT.P3- A TRUE COPY OF the COMMUNICATIOIN DATED 27-9-2006 ISSUED BY M/S.MUTHOOT CAPITAL SERVICES PRIVATE LIMITED, ERNAKULAM ADDRESSED TO THE R.T.O. THRISSUR.

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.30697 of 2006-D

Dated this the 18th day of December, 2006

JUDGMENT

The petitioner purchased a tanker lorry bearing Registration No.Kl 8 J 3573, from one Mr.P.O.Joseph who was the registered owner of the vehicle. The said vehicle was involved in an abkari offence. It was finally confiscated. Pending confiscation, the vehicle was released to its registered owner, on deposit of Rs.1,53,000/-, which was estimated as its value. Later, confiscation order was passed and it became final as no appeal was filed. Since the value was already deposited, the vehicle was released by the Excise officials, absolutely without any liability. But, there is an endorsement in the Registration Certificate made by the Additional Registering Authority, prohibiting transfer of the same, in view of its involvement in an abkari offence. So, this writ petition is filed, seeking a direction to the Assistant Excise Commissioner, Palakkad, to delete the said condition imposed regarding the transfer of the said vehicle, in the R.C.Book, a photocopy of which is produced as Ext.P2.

2. The learned Government Pleader, upon instruction,

submitted that the Excise Department has no claim over the vehicle and on deposit of its value, it was released to its registered owner.

3. In view of the above submission, the petitioner may move the Registering Authority or Additional Registering Authority, for deletion of the entry prohibiting transfer of the vehicle.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS